

COLORADO STATE BOARD OF PHARMACY
October 16, 2008

Minutes

The Colorado State Board of Pharmacy meeting was convened by Vice President Paul Limberis, R.Ph., at approximately 8:36 a.m. on Thursday, October 16, 2008 at 1560 Broadway, Conference Room 1550, Denver, CO 80202. Notice of this meeting was given in accordance with Division of Registrations Policy Number 80-17.

Board members attending were: Mary K. Arceneaux, R.Ph., Jeannine G. Dickerhofe, R.Ph., Rich Doyle, R.Ph., Leonard Hierath, P.E., Paul Limberis, R.Ph., and Averil Strand, R.N.

Staff members attending were Wendy Anderson, R.Ph., Program Director; Chris Gassen, R.Ph., Chief Inspector; Billie Marseilles, R.Ph., Inspector, Susan Martin, R.Ph., Inspector; and Mark O'Neill, R.Ph., Inspector. Also present were Lesli Lewis, Office of Expedited Settlement, Jo Kaye, Assistant Attorney General, and Jack Wesoky, Assistant Attorney General.

APPROVAL OF MINUTES

The Board approved the minutes from the September 18, 2008 meeting.

ADDITIONS TO THE AGENDA

Request from Curtis Giersch, RPh for modification of his stipulation and final agency order.

Intern applicants Daniel Allen and Matthew Hall.

Pharmacist reinstatement applicant Robert Lapp.

APPEARANCES

None.

HEARINGS

The Board conducted a public hearing concerning additions to or amendments to the following regulations: 1.00.00, 2.00.00, 3.00.00, 5.00.00, 7.00.00, 11.00.00, 12.00.00, and 14.00.00, (3 CCR, 719-1). The hearing began at 9:30 a.m. and was held in Conference room 1550 at 1560 Broadway, Denver, Colorado. The Board discussed all proposed changes to the rules then adopted the rules as proposed.

REPORTS

President's Remarks

None.

Program Director's Report

Ms. Anderson discussed the implementation of the registration of compounding pharmacies and detailed for the Board that the National Association of Boards of

Pharmacy (NABP) had not finalized any agreements or approval with the Pharmacy Compounding Accreditation Board at this time. She stated that more details should be available in early 2009. Ms. Anderson told the Board that Purdue Pharma, L.P. had awarded the Board a \$6000 grant to assist in continued operations of the Electronic Prescription Drug Monitoring Program.

Ms. Anderson then requested and the Board provided suggestions for newsletter items. The Board then reviewed and approved changes to Policy numbers 10-1, 10-6, 20-2, and 20-5.

Colorado Pharmacists Society (CPS) – Rich Doyle, RPh

Rich Doyle reported that in recognition of the National Pharmacist Month in October, CPS will be staffing phones for Pharmacists Line 9 on October 23, 2008 from 4-5:30 p.m. The public will be invited to call 9 News to speak to a pharmacist. Included with this event will be an interview with a pharmacist discussing the value of pharmacist services.

The next continuing education (CE) program is the 17th Annual Winter CE Seminar, January 18-21, 2009 at the Sheraton Steamboat Springs, where 15 hours of CE will be provided. Details will be available on the CPS website www.copharm.org.

The next continuing education program being offered by CPS and the School of Pharmacy is the Advances in Pharmacy Practice, February 21, 2009, where the full day program will provide 6 hours of continuing education.

The Colorado Pharmacists Society is once again a partner of the 9 Health Fair April 18-26, 2009 and is helping the Fair organizers get pharmacist volunteers for designated sites throughout Colorado. CPS will post on its website how to sign up as a volunteer and a list of sites requesting pharmacists. To assist pharmacists and pharmacy students in providing services at fairs, a variety of tools have been developed and will be posted on the website. These tools include pdf files that can be downloaded, printed and distributed as handouts by the volunteers to increase their level of comfort in discussing issues from asthma, to herbals and vitamins to weight management and smoking cessation.

Governor's Expert Emergency Epidemic Response Committee (GEEERC) – Paul Limberis, RPh

Paul Limberis reported that the Governor's Expert Emergency Epidemic Response Committee would not meet until January 2009. He requested comment from Board members on the draft copy of the Colorado Department of Public Health and Environment's "Guidance for Alterations in the Healthcare System During an Influenza Pandemic," which he had distributed to members at the September meeting. He requested comment from the Board members on the draft by October 20, 2008.

Intern & School Relations – Jeannine Dickerhofe, RPh

Cathy Jarvis from the University of Colorado School of Pharmacy reported that the pharmacy school had completely relocated to the new campus. The School was beginning the accreditation process which occurs every 7-8 years.

Legislation - Jeannine Dickerhofe, RPh.

Jeannine Dickerhofe reported that the Immunization Task Force was able to reach consensus on a few changes to the immunization rules. Some other issues resulted in the Task Force members agreeing to disagree. One more issue concerning offsite injections will be discussed in the final meeting to be held sometime in the next four weeks.

CPS, RxPlus, Colorado Retail Council, Kaiser and the Pharmaceutical Manufacturers Association participated in a symposium on pharmaceuticals in the environment held on September 26 at Pikes Peak Community College, where Representative Stephens led the discussion of various strategy options to address this issue. Over 30 policy makers, lobbyists, consumers and health care professionals attended this event.

The Legislative Health Care Task Force has decided to introduce a bill concerning e-prescribing. The bill directs the department of health care policy and financing (HCPF) to study and report to the health and human services committee on the ability and feasibility of using electronic prescriptions in the medical assistance program. The report should include whether federal law would permit incentives for e-prescriptions, whether the state would realize a cost savings through the use of e-prescriptions and whether any additional legislation is necessary for the use of e-prescriptions.

HB 07-1021 created the Prescription Drug Consumer Information and Technical Assistance Program which would pay pharmacists for Medicaid patient profile review. This program was temporarily suspended while it waited for the Centers for Medicare and Medicaid (CMS) to approve a State Plan Amendment (SPA), which is required in order for the program to receive matching Federal funds. The SPA was approved, however, a hiring freeze in the Department was announced. Consequently, no administrator for this program could be hired. Thomas Leahey will continue to serve as acting administrator. The Department has a number of volunteer pharmacists in the Denver area but is still seeking pharmacists on the western slope. The links to download the documents required for participation in this program are on the CPS website's home page, www.copharm.org.

Rules – Rich Doyle

Rich Doyle reported that the Rule Committee had met on October 14, 2008 to discuss minimum equipment requirements for pharmacies. Mr. Doyle reported that the committee had determined that no changes to these requirements were necessary.

Inspectors

Billie Marseilles reported to the Board on the progress of Drug Therapy Management as required by regulation 6.01.20.

OLD BUSINESS

Stipulations

Breitnauer, John G., RPH 11791

The Board reviewed an Agenda Memorandum from Tia Johnson, Complaint/Licensing Analyst, concerning Mr. Breutnauer's request for discharge from the terms of his Stipulation and Final Agency Order. After due consideration of the available information, the Board released Mr. Brietnauer from the terms the stipulation.

Obertman, Feliks, RPH 17891

The Board reviewed an Agenda Memorandum from Tia Johnson, Complaint/Licensing Analyst, concerning Mr. Obertman's request for discharge from the terms of his Stipulation and Final Agency Order. After due consideration of the available information, the Board released Mr. Obertman from his stipulation.

Giersch, Curtis, RPH 12448

The Board reviewed and denied Mr. Giersch's request for a modification to his stipulation and final agency order.

NEW BUSINESS

Complaints

AmeriMed Corporation, WHI 6016 2009-0749

After due consideration of the available information, the Board voted to refer the case for discipline.

College Pharmacy, PDO 24-38 2009-0639

After due consideration of the available information, the Board voted to refer the case for discipline.

Gillick, Jerry S., RPH 16960 2009-0640

After due consideration of the available information, the Board voted to refer the case for discipline.

Gannon, Joshua M, RPH 17060 2009-0674

Paul Limberis recused.

After due consideration of the available information, the Board voted to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act and Board regulations.

Larson, Charles J., RPH 12284 2009-0250

A motion was made, seconded, and carried to dismiss the case as being without merit.

People's Drug Store, PDO 3-2 2009-0287

After due consideration of the available information, the Board voted to refer the case for discipline.

Pharmedix, Unregistered 2009-0675

After due consideration of the available information, the Board voted to issue a Cease and Desist Order for unregistered practice.

Riesselman, Amber Dawn, Unlicensed 2009-0456

After due consideration of the available information, the Board voted to issue a Cease and Desist Order for unlicensed practice.

Walgreen Pharmacy #11187, PDO 733 **2009-0458**

After due consideration of the available information, the Board voted to refer the case for discipline.

Walgreen Pharmacy #09769, PDO 656 **2009-0460**

After due consideration of the available information, the Board voted to refer the case for discipline.

Walgreen Pharmacy #06108, PDO 53-58 **2009-0462**

After due consideration of the available information, the Board voted to refer the case for discipline.

Selken, Kory, RPH 16685 **2009-0533**

After due consideration of the available information, the Board voted to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act and Board regulations.

Vercelline, Yunga L., RPH 14899 **2009-0748**

After due consideration of the available information, the Board voted to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act and Board regulations.

The Board voted to initiate a complaint against Wal-Mart Pharmacy #10-4335, PDO 693, for allowing a non-licensed pharmacist to practice as a licensed pharmacist.

Vetline, Inc., WHI 6003 **2009-0635**

After due consideration of the available information, the Board voted to refer the case for discipline.

Larson, Kenneth A., DVM, Unregistered Wholesaler **2009-0636**

After due consideration of the available information, the Board voted to issue a Cease and Desist Order for unregistered practice.

The Board also voted to refer the case to the Colorado Board of Veterinary Medicine.

Patterson Logistics Services, Inc., Unregistered Wholesaler **2009-0633**

After due consideration of the available information, the Board voted to issue a Cease and Desist Order for unregistered practice.

Butler Animal Health Supply, Unregistered Wholesaler **2009-0634**

After due consideration of the available information, the Board voted to issue a Cease and Desist Order for unregistered practice.

DVM Resources, Unregistered Wholesaler **2009-0638**

After due consideration of the available information, the Board voted to issue a Cease and Desist Order for unregistered practice.

Walgreen Pharmacy #05837, PDO 710

2009-0680

After due consideration of the available information, the Board voted to refer the case for discipline.

Walgreen Pharmacy #07777, PDO 24-80

2009-0230

After due consideration of the available information, the Board voted to refer the case for discipline.

LICENSING

Other Outlets, New

The Board approved the registration of 1 new other outlet.

Prescription Drug Outlets, New (In-State)

The Board approved the registrations of 2 new in-state prescription drug outlets.

Prescription Drug Outlets, New (Out-of-State)

The Board approved the registrations of 6 new nonresident prescription drug outlets.

Manufacturers, New

The Board approved the registrations of 0 new manufacturers.

Wholesalers, New (In-State)

The Board approved the registrations of 0 new in-state Wholesalers.

Wholesalers, New (Out-of-State)

The Board approved the registrations of 14 new out-of-state Wholesalers.

Licensure by Examination

The Board ratified the licensure of 28 applicants for licensure by examination.

Licensure by License Transfer

The Board ratified the licensure of 13 applicants seeking licensure through license transfer. It was noted that these licensees met all of the requirements for licensing under the provisions of section 12-22-116, C.R.S.

Licensure Issues

Matthew Hall, Pharmacy Intern Applicant

The Board reviewed an Agenda Memorandum from Ms. Johnson. After due consideration of the available information, the Board voted to issue the license.

Daniel Allen, Pharmacy Intern Applicant

After due consideration, the Board voted to deny the application and refer the matter for discipline.

Amber D. Riesselman, Pharmacy Intern Applicant

After due consideration, the Board voted to deny the application and refer the matter for discipline.

Robert Lapp, Pharmacist Reinstatement Applicant

After due consideration of the available information, the Board voted to deny the application and refer the matter for discipline.

Bound Tree Medical, WHO 7113, Change of Designated Representative Application

After due consideration of the available information, the Board voted to approve the application.

Humana Pharmacy, Inc., DBA RightSource Rx, Non-Resident Prescription Drug Outlet Applicant

After due consideration of the available information, the Board voted to approve the application.

MISCELLANEOUS

Correspondence, etc.

FDA/Manufacturer Recalls

The Board considered the correspondence and tabled action on the matter pending further research.

Request from King Soopers/City Market Regarding off-site Immunizations

After due consideration of the available information, the Board requested a legal opinion from counsel on the matter.

NABP Report of the Task Force on Continuous Quality Improvement, Peer Review, and Inspecting for Patient Safety

After due consideration, the Board decided to convene a task force to study the matter.

NABP Reports of the First and Second Task Forces on Prescription Drug Diversion from Common Carriers

After due consideration, the Board directed staff to review the reports as well as the Board rules and see if changes might be necessary.

NABP Correspondence regarding Medication Error Reporting

After due consideration, the Board directed staff to write a newsletter item to notify pharmacists of the importance of reporting errors.

Peer Assistance Services, 4th Quarterly Report

The Board noted the correspondence.

EXECUTIVE SESSION

Board Vice President Paul Limberis moved that the Board enter into executive session as authorized by CRS 24-6-402 subsection (3)(a) roman (III) to discuss matters which are required by law to be kept confidential. Specifically, the provisions of law requiring these matters to be kept confidential are:

CRS 24-4-402 subsection (3)(a) romans (II) and (III), and section 13-90-107(b), which protect as confidential communications with counsel that are matters of pending or imminent litigation, or are otherwise subject to the attorney-client privilege, and CRS 25-1-1201 et sequitor, which protects the confidentiality of information pertaining to individual medical records.

The motion was unanimous.

Case Status Reports

The Board discussed the case status report from Leslii Lewis, Office of Expedited Settlement.

The Board read and discussed the October 16, 2008 case status report from Ms. Kaye.

The Board discussed all items referred to it earlier in the meeting as well as matters confidential by law.

ADJOURNMENT

The Board adjourned at approximately 3:35 p.m.

Approved by Paul Limberis, R.Ph., Vice President

Date: November 20, 2008